

Town Board Minutes

Meeting No. 42

Special Meeting

December 3, 2003

Town Board Minutes

December 3, 2003

Meeting No. 42

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 3rd day of December 2003, at 8:55 PM and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER SZYMANSKI,
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Municipal Review Committee reconvened on the matter of the SEQR Review for the proposed Kohl's Department Store development at 4827 and 4839 Transit Road in the Town of Lancaster, and

WHEREAS, the developer has submitted a Traffic Impact Study (TIS) prepared by FRA Engineering to the New York State Department of Transportation (NYSDOT) and in response the NYSDOT has by communication dated November 28, 2003 made comments on TIS submitted, and

WHEREAS, the Municipal Review Committee has reviewed the comments of the NYSDOT and a subsequent letter from FRA Engineering offering comments to the comment letter received from NYSDOT, and

WHEREAS, after due review and consideration of the TIS and all comments made by NYSDOT and FRA Engineering and further considering the mitigation of traffic issues and the improved traffic control which can be accomplished by imposing the conditions set out in the comments by NYSDOT which should as a result alleviate any significant adverse environmental impact on the community as a result of the proposed development;

NOW, THEREFORE, BE IT

RESOLVED, that the Municipal Review Committee hereby issues a Negative Declaration with regard to this project with the mitigation to be carried out for traffic control as are set out in comments made by NYSDOT and specifically imposing of the following conditions:

- 1) An approval by NYSDOT of the signal at the proposed site driveway.
- 2) Contact with the NFTA for consideration of posting of new bus stops on Transit Road near the site driveway.
- 3) Cooperation with the Town and DOT through the site plan review process to coordinate the exact driveway location and to explore other access management ideas.
- 4) Coordination with the project developer of the Gateway Center to provide for highway improvements at the intersection of Transit Road, William Street and Losson Road.

- 5) The widening of Transit Road at the site driveway to accommodate an exclusive northbound right turn lane which should be constructed prior to the opening of the Kohl's store.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

December 3, 2003

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED NO
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHIA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

December 3, 2003

File: mmckohlsdepartmentstore1203

ADJOURNMENT:

ON MOTION OF PLANNING BOARD MEMBER SOCHA AND SECONDED
BY PLANNING BOARD MEMBER MYSZKA FOR ADJOURNMENT OF THE MEETING,
on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 9:15 P.M.

Signed


Johanna M. Coleman, Town Clerk

Town Board Minutes

**Meeting
No. 43**

Special Meeting

December 3, 2003

Town Board Minutes

December 3, 2003

Meeting No. 43

A Special Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 3rd day of December at 9:15 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a Public Hearing was held on the 15th day of September, 2003 on the petition of Ronald A. Grimm, Jr., President of Federal Storage of WNY, Inc., for the rezone of certain property located at 4827 and 4839 Transit Road, in the Town of Lancaster, New York from a Residential District One (R1) to a General Business District (GB), for the purpose of constructing Kohl's Department Store, and

WHEREAS, a Notice of said Hearing has been duly published and posted, and

WHEREAS, the Planning Board of the Town of Lancaster at its meeting held August 20, 2003, recommended approval of the rezone, and

WHEREAS, a SEQR review was held on the proposed rezone and project on September 15, 2003 and the Municipal Review Committee tabled the determination pending receipt of a formal traffic study for purpose of scoping and mitigation, and

WHEREAS, a Public Hearing for the rezone was held on September 15, 2003, and

WHEREAS, the Planning Board of the Town of Lancaster at its meeting held on October 15, 2003 amended its approval of the rezone to note that the proposed zoning and the development of the Kohl's Department Store meets the intent and objectives of the Comprehensive Plan for the Town of Lancaster and this ordinance and that there are adequate services and utilities available for the construction of this development, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto, and

WHEREAS, the Municipal Review Committee of the Town of Lancaster reconvened on December 3, 2003 for the purpose of reviewing the comments by DOT on the Traffic Impact Study submitted by the proponent and also reviewed a subsequent letter from FRA Engineering the author of the TIS commenting on the DOT comments and thereafter issued a negative declaration;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a Residential District One (R1) to a General Business District (GB):

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 96 and 97, Township 10 Range 6 of the Buffalo Creek Reservation founded and described as follows:

BEGINNING at a point 650' easterly from the northwest corner of lands conveyed to Stanley J. Wideliski et al recorded in the Erie County Clerks Office in liber 10941 of Deeds at page 9730;

THENCE easterly and along the north line of aforementioned lands a distance of 569+/- feet to a point;

THENCE southerly and parallel to the west line of Lots Number 96 and 97 a distance of 501.34 +/- feet to the southerly line of lands conveyed to Peter and Anna Berezuk by deeds recorded in the Erie County Clerks Office in liber 4433 of Deeds at page 297 and liber 6605 of deeds at page 43 respectively;

THENCE westerly and along the southerly line of lands of Berezuk as aforesaid a distance of 569 +/- feet to a point;

THENCE northerly and parallel to the west line of Lots No. 96 and 97 a distance of 501.34 +/- feet to the point of beginning.

2. That the Zoning Amendment is subject to the proponent/developer meeting the following conditions in compliance with the NYS DOT comments:

1. Approval from DOT of the traffic signal at the site driveway.
2. Notice to the NFTA of the project so that the NFTA can consider new bus stops on Transit Road
3. Coordination with the developer of the Gateway Center project for highway improvements to be carried out at the intersection of Transit Road, William Street and Losson Road.
4. Widening of Transit Road at the site driveway to accommodate an exclusive northbound right turn lane prior to the store opening.
5. Issuance of a NYSDOT Highway Work Permit for any work to be performed within the state highway right-of-way.

3. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 3rd day of December, 2003;

4. That a certified copy thereof be published in the Lancaster Bee, on or before the 11th day of December, 2003;

5. That Affidavits of Publication be filed with the Town Clerk; and

6. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER RUFFINO	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
COUNCIL MEMBER ZARBO	VOTED	ABSENT
SUPERVISOR GIZA	VOTED	YES

December 3, 2003

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
4827 AND 4839 TRANSIT ROAD
KOHL'S DEPARTMENT STORE

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a Residential District One (R1) to a General Business District (GB):

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 96 and 97, Township 10 Range 6 of the Buffalo Creek Reservation founded and described as follows:

BEGINNING at a point 650' easterly from the northwest corner of lands conveyed to Stanley J. Wideliski et al recorded in the Erie County Clerks Office in liber 10941 of Deeds at page 9730;

THENCE easterly and along the north line of aforementioned lands a distance of 569 +/- feet to a point;

THENCE southerly and parallel to the west line of Lots Number 96 and 97 a distance of 501.34 +/- feet to the southerly line of lands conveyed to Peter and Anna Berezuk by deeds recorded in the Erie County Clerks Office in liber 4433 of Deeds at page 297 and liber 6605 of deeds at page 43 respectively;

THENCE westerly and along the southerly line of lands of Berezuk as aforesaid a distance of 569 +/- feet to a point;

THENCE northerly and parallel to the west line of Lots No. 96 and 97 a distance of 501.34 +/- feet to the point of beginning.

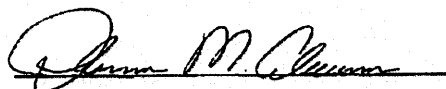
December 3, 2003

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 3rd day of December, 2003 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 3rd day of December, 2003.

(S E A L)

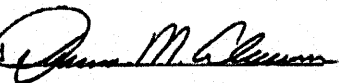

Johanna M. Coleman, Town Clerk

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER MONTOUR AND SECONDED
BY COUNCIL MEMBER RUFFINO, on roll call, which resulted as follows:**

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 9:24 P.M.

Signed 
Johanna M. Coleman, Town Clerk